

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

JOE HAND PROMOTIONS, INC., )  
Plaintiff, )  
v. ) Case No. 05-0652-CV-W-FJG  
WILLIAM L. NIGRO, et al., )  
Defendants. )

**ORDER**

Pending before the Court is Plaintiff's Notice of Dismissal with prejudice and without costs as to all defendants (Doc. No. 7). The Court notes that plaintiff cannot dismiss this case in its entirety without consent of the Court under Fed. R. Civ. P. 41(a)(1) because defendant Larry D. Crutchfield has filed an answer to plaintiff's complaint (see Doc. No. 5). However, defendant Larry D. Crutchfield has filed no opposition to the pending notice of dismissal. Therefore, treating the notice of voluntary dismissal as a motion to dismiss under Fed. R. Civ. P. 41(a)(2), the Court will **GRANT** said motion (Doc. No. 7). Plaintiff's case against all defendants is **DISMISSED WITH PREJUDICE**.

Also pending before the Court is Defendant/Cross-Claimant Larry D. Crutchfield's Notice of Dismissal of Cross-Claim (Doc. No. 8), in which Crutchfield moves the Court to dismiss with prejudice and without any costs his cross-claim against William L. Nigro, Salvatore S. Nigro, Art Spelts, Torre Specialties, Inc., Torre, L.L.C., and Torre Properties, Inc. As the cross-claim defendants have not yet filed an answer to Crutchfield's cross-

claim, pursuant to Fed. R. Civ. P. 41(a)(1), these claims are **DISMISSED WITH PREJUDICE.**

**IT IS SO ORDERED.**

Date: October 5, 2005  
Kansas City, Missouri

**S/ FERNANDO J. GAITAN, JR.**  
Fernando J. Gaitan, Jr.  
United States District Judge